

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

PROGRESS RAIL SERVICES CORP.

Plaintiff,

v.

GEORGIA SOUTHWESTERN  
RAILROAD INC.,

Defendant.

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Case No. 2:07-cv-509-MEF

**NOTICE OF VOLUNTARY DISMISSAL**

COMES NOW, PLAINTIFF, PROGRESS RAIL SERVICES CORP., by and through undersigned counsel, and gives notice to the Court, pursuant to Rule 41(a)(i) of the *Federal Rules of Civil Procedure*, that the above matter is due to be dismissed.

1. The Defendant was served, but has not filed an Answer.
2. Pursuant to Rule 41 (a)(i), Plaintiff would dismiss the case given the resolution of the claims presented by Plaintiff against Defendant.

Wherefore, the premises considered, counsel prays that the Court dismiss the complaint by way of voluntary dismissal.

Respectfully submitted,

s/ John P. Browning  
FORREST S. LATTA (LATTF0526)  
JOHN P. BROWNING (BROWJ6884)  
Attorneys for Plaintiff

**OF COUNSEL:**  
BOWRON, LATTA & WASDEN, PC  
Post Office Box 16046  
Mobile, AL 36616

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the Defendant via Alafile electronic document filing system, and/or by placing same in the United States mail, postage prepaid and properly addressed on this the 16th day of August, 2007.

Defendant Georgia Southwestern Railroad, Inc.  
By and through its registered agent  
CORPORATION PROCESS COMPANY  
180 Cherokee Street NE  
Marietta, GA 30060

s/ John P. Browning  
COUNSEL